

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES PATTERSON,	)	
	)	
Plaintiff,	)	Civil Action No. 08-43J
	)	
v.	)	Judge Gibson
	)	Magistrate Judge Bissoon
WARDEN DAUPHIN COUNTY	)	
FACILITIES, SHIFT COMMANDER,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

James Patterson's civil rights complaint was received by this Court on February 210, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was later assigned to Magistrate Judge Cathy Bissoon.

The Magistrate Judge's Report and Recommendation, filed on November 3, 2008, recommended that the Defendants' Motion to Dismiss (Doc. 14) be granted. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Somerset, Pennsylvania. Objections were due on or before November 20, 2008. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4<sup>th</sup> day of December, 2008,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the Defendants (Doc. 14) is GRANTED.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 19), dated November 3, 2008, is adopted as the opinion of the court. The Clerk is directed to mark the case CLOSED.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
U.S. District Court Judge

cc:  
JAMES PATTERSON  
HE-2559  
SCI Somerset  
1600 Walters Mill Road  
Somerset, PA 15510